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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,364	Applicant(s) LAUTERBACH ET AL.	
	Examiner Nicholas Augustine	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. In response to the following communications: Amendment filed: 5/25/2007. This action is made **Final**.
- B. Claims 1-22 remains pending.
-

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. §101 for method claims and claims that recite a judicial exception (software) are that the claimed invention recites a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, there is no final result only the mention of software classes. Also note the definition of an "information carrier" defined in the specification (par.107) wherein an information carrier is defined to be a propagated signal. Definition quoted from paragraph 107 of applicants disclosure ", i.e., a computer program tangibly embodied in an information carrier, e.g., in a machine-readable storage device or in a propagated signal". Signals carrying instructions or other functional descriptive material or a computer program per se is not included in one of the statutory

categories of invention, more information about this matter is covered in the Annex IV of the Interim Guidelines for Subject matter Eligibility. Limiting the types of mediums that can be used will meet the guidelines (e.g. CD-ROM, DVD-ROM, HDD, etc... while excluding the possibility of the use of signals, waves and the like). The following link on the World Wide Web is for the United States Patent And Trademark office (USPTO) policy on 35 U.S.C. §101

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by the Template Software product line.

The **Template** Software product line contains:

The SNAP programming language

The WorkFlow Template

The Web Component

These three-layered products work together.

The documentation sets for the products contains the following manuals.

SNAP released June 1997

SNAP Language Reference (Referred to as **REF** - Not used in this Office Action)

Using the SNAP Language (Referred to as **LANG** - Not used in this Office Action)

Using the SNAP Communication Component (Referred to as **COM**- Not used in this Office Action)

Using the SNAP Graphic User Interface Component (Referred to as **GUI** Not used in this Office Action)

Getting Started with SNAP (Referred to as **START** Not used in this Office Action)

Using the SNAP Display Editors (Referred to as **DISP** - Not used in this Office Action)

SNAP Class Library Reference (Referred to as **CLASS** - Not used in this Office Action)

Using the SNAP External Application Software Component (**EXT**- Not used in this Office Action)

Using the SNAP Development Environment (Referred to as **SNAP**)

SNAP Module Library Reference (Referred to as **MODU** -Not used in this Office Action)

Using the SNAP Permanent Storage Component (Referred to as **PERM**- Not used in this Office Action)

Workflow released September 1997

Developing a WFT Workflow System (Referred to as **WFT**)

Using the WFT Development Environment (Referred to as **ENV**)

WFT Library Reference (Referred to as **WFTLIB** - Not used in this Office Action)

Web Component

Using the Web Component (Referred to as **WEB**- Not used in this Office Action)

Training Guides

SNAP Application Developer's Training Course (Referred to as **TRAINS** -

Modules 1 and 10 provided- Not used in this Office Action)

Workflow Template Training Course (Referred to as **TRAINW** - Section A)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering. Furthermore, with the 1997 press release announcing version 8.0 these considered prior art under *In re Epstein* 31 USPQ2d 1817 (decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

As for independent claim 1, Template teaches a computer program product, embodied in a tangible machine-readable information carrier, for developing applications, the computer program product being operable to cause data processing apparatus to interact with data conforming to a data model, the data model comprising (SNAP, page 4-2): a component class (SNAP, page 4-4); a model class associated with the component class (SNAP, page 4-4), *the model class including a model-class class*

and a model relation class, the model-class class including a model class attribute class, and the model relation class including a model relation role class (SNAP, pages 4-10 – 4-14); a controller class associated with the component class, the controller class including a context node class having a context attribute class, the context node class being associated with the model-class class and the model relation class, and the context attribute class being associated with the model class attribute class (SNAP, pages 4-10 through 4-14); and a view class associated with the component class, the view class including a user interface element class having a binding with either the context node class or the context attribute class (SNAP, pages 4-10 – 4-14). (ENV, chapter 3)

As for dependent claim 2, Template teaches the computer program product of claim 1, wherein the data model further comprises a context element class that is a super class of the context node class and the context attribute class (SNAP, pages 3-21 and 3-22).

As for dependent claim 3, Template teaches the computer program product of claim 2, wherein the binding is associated with one of the context node class and the context attribute class using the context element class (SNAP, page 3-15).

As for dependent claim 4, Template teaches the computer program product of claim 1, wherein the association between the component class and the view class is an aggregation (SNAP, page 3-21 and 4-10 through 4-14).

As for dependent claim 5, Template teaches the computer program product of claim 1, wherein the association between the component and the controller is an aggregation (SNAP, pages 3-21 and 4-10 through 4-14).

As for dependent claims 6 and 17, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein the data model further includes an indicator that is used to determine a file border (SNAP, page 8-21).

As for dependent claims 7 and 18, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein the data model further includes an indicator used to implement a platform-specific feature (SNAP, Chapter 8, page 8-26-UNIX and pages 2-4 through 2-5).

As for dependent claims 8 and 19, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein the data model further includes an indicator representing translatable text (SNAP, page 6-10, Class Definition files (CD) more specific references to CD files throughout the reference).

As for dependent claims 9 and 20, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein at least one of the associations in the data model is an aggregation, and wherein the data model further includes an

indicator representing whether the aggregation is ordered (SNAP, Chapter 3, Object Model Editor, see pages 3-6 inheritance lines and page 3-9).

As for dependent claims 10 and 21, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein the data model further includes an indicator representing a singular name (SNAP, page 3-11, New class – class name)

As for dependent claims 11 and 22, Template teaches the computer program product of claim 1 and corresponding system of claim 16, wherein the data model further includes an indicator representing whether an attribute is null able (SNAP, page 3-40, Attributes – Default).

As for dependent claim 12, Template teaches the computer program product of claim 1, wherein the data model further includes an unassociated class defining enumeration attributes representing allowed values of a specific enumeration type (SNAP, page 3-40, Attributes).

As for independent claim 13, Template teaches a computer program product, embodied in a tangible machine-readable information carrier, for developing applications, the computer program product being operable to cause data processing apparatus to (SNAP, page 4-2): *generate an instance of a model, the instance of the model including a model class instance and a model relation instance, the model class*

instance including a model class attribute instance, and the model relation instance including a model relation role instance; generate an instance of a controller, the instance of the controller including a context node instance having a context attribute instance; generate an instance of a view, the instance of the view including a user interface element instance; associate the context node instance with the model class instance; associate the context node instance with the model relation instance; associate the context attribute instance with the model class attribute instance; and associate the user interface element instance with one of the context node instance and the context attribute instance (SNAP, pages 4-7 through 4-9).

As for dependent claim 14, Template teaches the computer program product of claim 13, wherein the association between the controller instance and the context node instance is an aggregation (SNAP, page 3-21 and 4-10 through 4-14).

As for dependent claim 15, Template teaches the computer program product of claim 13, wherein the association between the model instance and the model class instance is an aggregation (SNAP, page 3-21 and 4-10 through 4-14).

As for independent claim 16, Template teaches a system for developing applications, the system comprising a repository including data conforming to a data model, the data model comprising (SNAP, page 4-2 and WFT, pages 2-2 through 2-3): *a component class; a model class associated with the component class, the model class including a*

model-class class and a model relation class, the model-class class including a model class attribute class and the model relation class including a model relation role class; a controller class associated with the component class, the controller class including a context node class having a context attribute class, the context node class being associated with the model-class class and the model relation class and the context attribute class being associated with the model class attribute class; and a view class associated with the component class, the view class including a user interface element class having a binding with either the context node class and the context attribute class. (Note the analysis of claims 1-3 above and WFT, chapter 2-4, 6-7 and pages 2-4 and 4-3).

NOTE:

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 5/25/2007 have been fully considered but they are not persuasive.

A1. Applicant argues against the 35 U.S.C. 102 rejection given by the examiner stating the rejection is improper because it uses multiple references. (Page 9 of amendment)

R1. Examiner does not agree. Evidence is submitted that shows the three software modules (templates) "SNAP, Web Component and Workflow Template were part of a single software package offering and that they work together as quoted in the supplied evidence "Each product in the Template family has been designed to seamlessly integrate and inter-operate with all of the others." "...diagram illustrates out hierarchy of templates and how they are designed to be used together..."

Template Software April 17, 1998 –

<http://web.archive.org/web/19980626175135/www.template.com/frproducts.htm>

A2. Applicant argues that the Examiner's citation is incorrect. (Page 10 of amendment)

R2. Examiner reminds Applicant that It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ

1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

A3. Applicant argues that SNAP does not disclose a model class associated with the component class and “the model class including a model-class class and a model relation class, the model-class class including a model class attribute class, and the model relation class including a model relation role class”. (Pages 10-11)

R3. Examiner does not agree and points the applicant to SNAP, Chapter 3, page 3-14 and 3-40. Also note that the naming of classes may not exactly match those sought to be invented but the ideas and functionality of classes and sub classes are used by SNAP as disclosed throughout Chapter 3 among other places found in the reference.

A4. Applicant argues that amendments to claims 1 and 13 will overcome the 35 U.S.C.101 rejection given by Examiner.

R4. Examiner does not agree. As pointed out in paragraph 107 of applicants disclosure the definition of an information carrier and computer program product is “The implementation can be as a computer program product, i.e., a computer program tangibly embodied in an information carrier, e.g., in a machine-readable storage device or in a propagated signal, for execution by, or to control the operation of, data processing apparatus, e.g., a programmable processor, a computer, or multiple computers.” **The current amendment does not make the claims statutory.**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday, 9:00 AM - 5:00 PM.

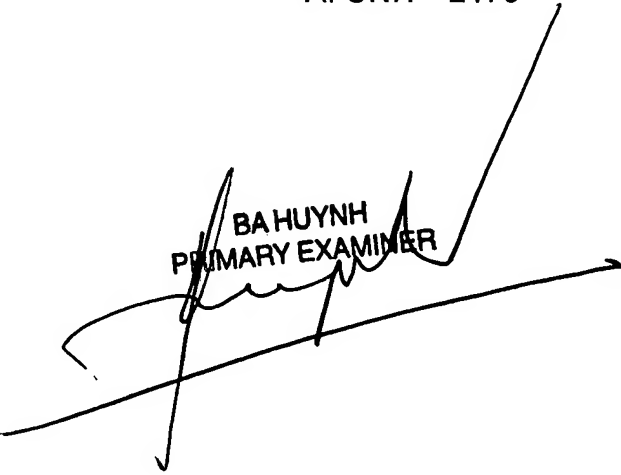
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nicholas Augustine
Examiner
A. UNIT - 2179

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August 16, 2007



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